

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

<b>KIRBY INLAND MARINE, LP</b>	§	
	§	
v.	§	<b>C.A. NO. 3:19-cv-00207</b>
	§	
<b>FPG SHIPHOLDING PANAMA 47 S.A.,</b>	§	
<b>K LINE ENERGY SHIP MANAGEMENT,</b>	§	
<b>and the VLGC GENESIS RIVER, <i>in rem</i></b>	§	

\*\*\*\*\*

<b>IN THE MATTER OF KIRBY INLAND</b>	§	
<b>MARINE, LP, in a cause for exoneration</b>	§	<b>Rule 9(h) – Admiralty</b>
<b>from or limitation of liability</b>	§	

**JOINT MOTION TO DISMISS WITH PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT:

1. The Claimants represented by Matthews, Lawson, McCutcheson & Joseph, PLLC; William Dills Law, PLLC; Pivach, Pivach, Hufft, Thriffiley & Dunbar, LLC; Simpson, Beeton, Shabot & McConnel, LLC; Haun Mena, PLLC; Pusch & Nguyen Law Firm, PLLC; Garbin Law Firm, LLC; Pierce Skranbanek, PLLC; Brent Coon & Associates, PC; Baron & Budd, PC; Cossich Sumich Parisola & Taylor, LLC; and White & Harrison (collectively, the “Claimants”<sup>1</sup>), on the one hand, and FPG Shipholding Panama 47, S.A. (FPG); Genesis River Shipping, S.A. (GRS); “K” Line Energy Ship Management (K-ENE); Kawasaki Kisen Kaisha, Ltd. (3K); Ship No. 138 Co. Ltd. (No. 138); Ship No. 139 Co. Ltd (No. 139); and VLGC GENESIS RIVER, *in rem* (GR) (collectively, the

---

<sup>1</sup> The term “Claimants” includes the persons and entities identified in the attached Exhibit A (filed under seal), Special Master Balhoff’s Spreadsheet, which was filed with this Court at Dkt. 631.

“Petitioners”) on the other hand, file this Joint Motion to Dismiss with Prejudice and would respectfully show the Court as follows:

2. Claimants and Petitioners have entered into a settlement agreement that resolves all of the claims that Claimants have brought against Petitioners (including *in rem* claims against the VLGC GENESIS RIVER arising from the May 10, 2019 oil spill that occurred after a collision between the VLGC GENESIS RIVER and the Tow VOYAGER.

3. Pursuant to the settlement agreement, Claimants and Petitioners file this Joint Motion to Dismiss with Prejudice all claims and causes of action asserted by Claimants, who are the individuals and entities represented by the law firms identified in paragraph 1 and the above-referenced footnote 1/Exhibit A.

4. For the avoidance of doubt, this Joint Motion to Dismiss does not include the claims brought by claimant John Wheat.

5. Claimants and Petitioners have submitted a proposed order with this joint motion encompassing the foregoing dismissals. Claimants and Petitioners shall each bear their own attorney’s fees, expenses, and costs incurred.

### **CONCLUSION**

For the reasons set forth above, Claimants and Petitioners respectfully request that the Court enter the attached Order of Dismissal with Prejudice, dismissing in their entirety all the claims of Claimants, with prejudice to the refile of the same, and with all expenses, costs and attorney’s fees to be borne by the party incurring the same.

Respectfully submitted,

By: /s/ Dimitri P. Georgantas

Dimitri P. Georgantas

Texas State Bar No.: 07805100

Fed. I.D. No.: 2805

Eugene W. Barr

Texas State Bar No.: 24059425

Fed. I.D. No.: 1144784

Kevin P. Walters

Texas State Bar No.: 20818000

Fed. I.D. No. 5649

ROYSTON, RAYZOR, VICKERY &  
WILLIAMS, L.L.P.

1600 Smith Street, Suite 5000

Houston, Texas 77002

Telephone: 713.224.8380

Facsimile: 713.225.9545

dimitri.georgantas@roystonlaw.com

eugene.barr@roystonlaw.com

kevin.walters@roystonlaw.com

*Attorneys for Petitioners*

By: William Dills

William "Billy" Dills

Texas Bar No.: 24067421

Federal Bar No. 2346498

Terry Joseph

Texas Bar No.: 11029500

D. Ryan Cordell, Jr.

Texas Bar No.: 24109754

MATTHEWS, LAWSON, MCCUTCHEON  
& JOSEPH PLLC

2000 Bering Dr., Suite 700

Houston, Texas 77057

Telephone: (713) 355-4200

Facsimile: (713) 355-9689

wdills@matthewsfirm.com

tjoseph@matthewsfirm.com

dcordell@matthewsfirm.com

*Attorneys for the Matthews, Lawson,  
McCutcheson & Joseph, PLLC  
Claimants*

By: 

William "Billy" Dills

Texas Bar No.: 24067421

Federal Bar No. 2346498

Terry Joseph

Texas Bar No.: 11029500

D. Ryan Cordell, Jr.

Texas Bar No.: 24109754

MATTHEWS, LAWSON, MCCUTCHEON  
& JOSEPH PLLC

2000 Bering Dr., Suite 700

Houston, Texas 77057

Telephone: (713) 355-4200

Facsimile: (713) 355-9689

wdills@matthewsfirm.com

tjoseph@matthewsfirm.com

dcordell@matthewsfirm.com

*Attorneys for the Matthews, Lawson,  
McCutcheson & Joseph, PLLC  
Claimants*

By: \_\_\_\_\_

Corey E. Dunbar

Texas Bar No.: 24076801

PIVACH, PIVACH, HUFFT, THRIFFILEY  
& DUNBAR, L.L.C.

ATTORNEYS AT LAW

8311 Highway 23, Suite 104

Post Office Box 7125

Belle Chasse, LA 70037

Telephone: (504) 394-1870

Facsimile: (504) 393-2553

cdunbar@pivachlaw.com

*Attorney for the Pivach, Pivach, Hufft,  
Thriffiley & Dunbar, LLC Claimants*

By: \_\_\_\_\_



S. Benjamin Shabot  
State Bar No. 24055007  
S. D. of Texas No. 1058956  
SIMPSON, BEETON, SHABOT &  
MCCONNELL, LLC  
2200 Market Street, Suite 801  
Galveston, Texas 77550  
Tel. (409) 766-1661  
Fax (409) 750-8372  
bshabot@simpsonbeeton.com

*Attorney for the Simpson, Beeton,  
Shabot & McConnel, LLC Claimants*

By: 

D. Douglas Mena

State Bar No. 24054982

Federal Bar No. 900712

Ryan K. Haun

State Bar No. 24055634

Federal Bar No. 712457

3006 Brazos Street

Houston, Texas 77006

(713) 781-8600 – Telephone

(713) 781-8601 – Fax

doug@haunmena.com

ryan@haunmena.com

*Attorneys for the Haun Mena, PLLC  
Claimants*

By: 

Anthony A. Pusch  
PUSCH & NGUYEN LAW FIRM PLLC  
Federal Bar No. 3372174  
6330 Gulf Freeway  
Houston, Texas 77023  
(713) 524-8139 – Telephone  
(713) 524-7034 – Fax  
apusch@puschnghuyen.com

*Attorney for the Pusch & Nguyen Law  
Firm, PLLC Claimants*

By: 

V. Jacob Garbin  
(Louisiana Bar No. 27808)  
GARBIN LAW FIRM, LLC  
535 Derbigny Street  
Gretna, Louisiana 70053  
(504)217-5454 Telephone  
(504)217-5300 Facsimile  
jacob@garbinlaw.com

*Attorney for the Garbin Law Firm,  
LLC Claimants*

By: \_\_\_\_\_

Michael E. Pierce

State Bar No. 24039117

Federal Bar No. 597900

Eduardo J. Garza

State Bar No. 24099892

Federal Bar No. 2984657

3701 Kirby Drive, Suite 760

Houston, Texas 77098

Telephone: (832) 690-7000

Facsimile: (832) 616-5576

E-mail: Michael@pstriallaw.com

Eduardo@pstriallaw.com

E-service: service@pstriallaw.com

*Attorneys for the Pierce Skranbanek,  
PLLC Claimants*

By: \_\_\_\_\_

Brent W. Coon

Texas Bar No. 04769750

Brent@bcoonlaw.com

Eric W. Newell

Texas Bar No. 24046521

EricNewell@bcoonlaw.com

John R. Thomas

Texas Bar No. 19856400


215 Orleans

Beaumont, TX 77701


Phone (409)835-2666

Fax (409)835-1912

*Attorneys for the Brent Coon &  
Associates, PC Claimants*

By:   
P. Scott Summy  
Texas Bar No. 19507500  
M. Cristina Sanchez  
Texas Bar No. 24041856  
BARON & BUDD, P.C.  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, TX 75219-4281  
Telephone: (214) 521-3605  
Fax: (214) 520-1181

*Attorney for the Baron & Budd, PC  
Claimants*

By:   
\_\_\_\_\_

Philip F. Cossich Jr.  
Louisiana Bar No. 1788 (PHV)  
Darren D. Sumich  
Louisiana Bar No. 23321 (PHV)  
Brandon Taylor  
Louisiana Bar No. 27662 (PHV)  
Natalie Morris  
Louisiana Bar No. 38096 (PHV)  
Andrew Cvitanovic  
Louisiana Bar No. 34500 (PHV)  
COSSICH SUMICH PARISOLA  
& TAYLOR, LLC  
8397 Highway 23, Ste. 100  
Belle Chasse, LA 70037  
(504) 394-9000  
(504) 394-9110 (facsimile)

*Attorneys for the Cossich Sumich  
Parisola & Taylor, LLC Claimants*

By: \_\_\_\_\_

Brian E. White

S.D. Federal Bar No.: 31893

Texas Bar No.: 24034736

3120 Southwest Freeway, Ste. 350

Houston, TX 77098

(713) 224-4878 telephone

(713) 237-0510 facsimile

brian@attorneybrianwhite.com

*Attorney for the White & Harrison  
Claimants*